

**CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS
CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 9:01 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

**FORTY-SEVENTH DAY
(Thursday, April 7, 1983)**

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Absent-excused: Howard, Parker, Washington.

A quorum was announced present.

The Reverend Dr. Freddie Dixon, Sr., Wesley United Methodist Church, Austin, offered the invocation as follows:

O God, Because You are - we are;
Because You give - we receive;
Because You love - we respond;
Because You call - we answer;
Because You created all of us to be brothers and
sisters - we strive to act as brothers and sisters.
Amen! Amen!

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Parker was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Washington was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Howard was granted leave of absence for today on account of important business on motion of Senator Jones.

CO-AUTHOR OF SENATE BILL 287

On motion of Senator Traeger and by unanimous consent, Senator Montford will be shown as Co-author of S.B. 287.

CO-AUTHOR OF SENATE BILL 338

On motion of Senator Uribe and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 338.

CO-AUTHOR OF SENATE BILL 671

On motion of Senator Glasgow and by unanimous consent, Senator Montford will be shown as Co-author of S.B. 671.

CO-AUTHORS OF SENATE BILL 940

On motion of Senator Washington and by unanimous consent, Senators Brooks and McFarland will be shown as Co-authors of S.B. 940.

MESSAGE FROM THE HOUSE

House Chamber
April 7, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 85, Requesting Department of Human Resources to amend Medicaid program to provide reimbursement for prenatal care for pregnant women.

H.C.R. 140, Congratulating the city of San Antonio on being awarded the All American City Award.

H.C.R. 143, Recognizing the city of Pecos as "Home of the World's First Rodeo".

S.C.R. 2, Providing for a suitable portrait of Governor William P. Clements, Jr., to be placed in the rotunda of the Texas Capitol.

S.C.R. 56, Congratulating Gary Cook.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Uribe, Vice Chairman, submitted the following report for the Committee on Health and Human Resources:

S.B. 1205 (Amended)

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.B. 688

S.B. 752

S.B. 1226

Senator Uribe, Vice Chairman, submitted the following report for the Committee on Health and Human Resources:

S.B. 1287

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

C.S.S.B. 801 (Read first time)

Senator Uribe, Vice Chairman, submitted the following report for the Committee on Health and Human Resources:

C.S.S.B. 82 (Read first time)

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 1152**S.B. 1144****S.B. 655****S.B. 744 (Amended)****S.B. 1044****C.S.S.B. 1062 (Read first time)****C.S.S.B. 406 (Read first time)****SENATE BILLS AND RESOLUTIONS ON FIRST READING**

On motion of Senator Caperton and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1294 by Caperton

Education

Relating to authority of the Board of Regents of The Texas A&M University System to accept and administer gifts, donations, grants and endowments, for the use of The Texas A&M University System or any of its component parts.

S.B. 1295 by Santiesteban

Finance

Relating to a supplement appropriation to the Public Utility Commission.

S.B. 1296 by Harris

Jurisprudence

Relating to the requirement of informed consent as a prerequisite to an abortion; providing a penalty.

S.B. 1297 by Harris

Intergovernmental Relations

Relating to the compensation of the directors of juvenile services and court services, and to the salaries and expenses of employees of the juvenile probation department or under the control of the juvenile board in Dallas County.

S.B. 1298 by Leedom

State Affairs

Relating to fees collected by the Department of Agriculture; amending the Agriculture Code by amending Subsections (c), (d), (g), (h), and (i), Section 13.115; Subsection (b), Section 14.005; Subsection (c), Section 16.002; Subsection (c), Section 51.023; Subsection (a), Section 76.044; Subsections (a) and (c), Section 101.006; Subsections (a) and (c), Section 102.006; Subsections (c), Section 132.026; Subsection (c), Section 132.027; and Section 132.028.

S.B. 1299 by Doggett

Health and Human Resources

Relating to the acceptance by the State of the Primary Care Block Grant; designating the Texas Department of Health as the administrative agency for such grant; expanding the powers and duties of the Texas Board of Health, the Commissioner of Health, and the Texas Department of Health to expand federal grant monies and state appropriations to provide for the delivery of primary and supplemental health services to medically underserved populations of the state through community health centers; authorizing the Board to adopt all rules and regulations necessary to implement this legislation; establishing the Community Health Center Advisory Committee; authorizing community health centers to enter into contracts; and declaring an emergency.

- S.B. 1300** by Mauzy State Affairs
Relating to political party affiliation; providing penalties.
- S.B. 1301** by Mauzy Jurisprudence
Relating to the election of justices to the supreme court from single-member districts.
- S.B. 1302** by Mauzy Jurisprudence
Relating to the election of justices to the supreme court from single-member districts.
- S.B. 1303** by Mauzy Jurisprudence
Relating to the election of judges to the court of criminal appeals from single-member districts.
- S.B. 1304** by Mauzy, Truan Education
Relating to the election of certain school district trustees from single-member trustee districts.
- S.B. 1305** by Sarpalius Intergovernmental Relations
Relating to establishment of a juvenile board in Lamb County.
- S.J.R. 46** by Mauzy Jurisprudence
Proposing a constitutional amendment providing for the election of justices to the supreme court from single-member districts.
- S.J.R. 47** by Mauzy Jurisprudence
Proposing a constitutional amendment providing for the election of justices to the supreme court from single-member districts.
- S.J.R. 48** by Mauzy Jurisprudence
Proposing a constitutional amendment providing for the election of judges to the court of criminal appeals from single-member districts.
- S.J.R. 49** by Mauzy Jurisprudence
Proposing a constitutional amendment providing for the election of judges to the court of criminal appeals from single-member districts.
- S.C.R. 62** by Parker State Affairs
Creating a joint interim committee to study state and federal policies concerning access roads to inter-state highways.
- S.C.R. 63** by Truan Administration
Granting Estefana S. Peters permission to sue the State.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

- H.B. 15**, To Committee on Intergovernmental Relations.
H.B. 229, To Committee on Health and Human Resources.
H.B. 276, To Committee on Jurisprudence.
H.B. 376, To Committee on Jurisprudence.
H.B. 410, To Committee on State Affairs.
H.B. 464, To Committee on Economic Development.
H.B. 480, To Committee on Natural Resources.
H.B. 622, To Committee on Economic Development.
H.B. 943, To Committee on State Affairs.

BILLS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

S.B. 220

S.B. 185

S.B. 121 (Signed subject to Art. III,
Sec. 49a of the Constitution)

MESSAGE FROM THE COMPTROLLER OF PUBLIC ACCOUNTS

The following Message from the Comptroller of Public Accounts was read and was filed with the Secretary of the Senate:

BOB BULLOCK
Comptroller of Public Accounts
Austin, Texas 78774

April 7, 1983

The Honorable Mark W. White, Jr.
Governor of Texas

The Honorable William P. Hobby, Jr.
Lieutenant Governor

The Honorable Gibson D. Lewis
Speaker of the House

Members of the 68th Legislature

Ladies and Gentlemen:

Today I am reducing my estimate of state revenue available for certification downward by \$953 million. This will reduce the amount available for certification from the major funds to \$21.9 billion.

A month ago when I reduced the January estimate by \$867 million, I said I would review the state's economic picture to assure you would have available the most accurate assessment for your budget deliberations. I have done this.

This reduction is necessary to bring the revenue outlook in line with the prospects of slower state economic growth in coming months. It is now clear that the fortunes of the Texas economy are closely tied to the fortunes of the state oil and gas industry. Conditions in that industry remain depressed, and the recent price agreement by the OPEC cartel leaves the clear possibility that prices will fall further before they turn upward again.

Still, I would emphasize that this does not mean the state faces a budget deficit as so many other states do. We can still expect 12.4 percent more revenue than is currently budgeted for the existing 1982-1983 appropriations bill enacted by the Legislature two years ago. In terms of dollars, that's \$2.3 billion in "new" money available for the next budget.

This estimate was prepared by professional economists and statisticians. I want to encourage you and your staff—but particularly you—to visit my office and discuss the methods and econometric models by which this estimate was made.

Sincerely,

/s/BOB BULLOCK
Comptroller of Public Accounts

CHANGES IN THE REVENUE ESTIMATE APRIL 1983

Four changes have been made in the revenue estimate for a total reduction of \$953.9 million in 1983-85. The following table summarizes the changes that have been made:

	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>TOTAL</u>
	Thousands of Dollars			
Sales Tax	- \$125,700	- \$243,506	- \$290,363	- \$659,569
Oil Production Tax	- 23,400	- 106,318	- 92,431	- 222,149
Motor Vehicle Sales Tax	- 17,000	- 15,800	- 10,000	- 42,800
Gasohol Refunds	- <u>7,234</u>	- <u>10,434</u>	- <u>10,734</u>	- <u>28,402</u>
TOTAL	- \$173,334	- \$376,058	- \$403,528	- \$952,920

Sales Tax: For the first time in its 22-year history, the sales tax is expected in 1983 to decline from 1982 receipts. A large part of the problem results from a severe drop off in business capital purchases since last year, especially by firms connected with the petroleum industry.

The overall level of retail sales also is sluggish, partly due to the indirect effects of the petroleum industry slump and partly because of continued depressed sales along the Texas-Mexico border.

Reductions in sales tax receipts after 1983 reflect recent Comptroller's Office studies indicating a strong link between the petroleum industry and the sales tax. Expectations of lower oil prices and a severe slowdown in oil and gas-related capital investment will limit the growth of the state economy and the sales tax through 1984. The current forecast calls for a return to more "normal" economic growth patterns in 1985.

Oil Production Tax: The March revision to the revenue estimate was made prior to the March agreement on production and prices reached by the Organization of Petroleum Exporting Countries (OPEC). The estimate assumed a \$5 a barrel cut in OPEC marker price, which has occurred.

However, as the terms of the OPEC agreement have become public it is increasingly obvious that the cartel did not achieve a workable compromise on production quotas for individual members. Established production targets are higher than current world demand for OPEC oil, a situation unlikely to change significantly in the next few months. For this reason, further reductions in the OPEC marker seems likely, particularly over the next six months when demand is expected to be seasonally low worldwide. The current revision assumes a drop in the marker to about \$26 a barrel in coming months and the forecast for Texas prices, which typically are lower than the marker price, have been adjusted downward to an average of \$25 a barrel in 1984. The average Texas price is expected to rise to about \$26.50 a barrel in 1985 as worldwide demand improves.

Motor Vehicle Sales Tax: Automobile sales in Texas, as reflected in motor vehicle sales tax receipts, continue to be extremely poor, and there appears to be little hope of any significant improvement during the remainder of 1983. Thus, the revised estimate is for an actual decline in receipts from 1982 levels. However, the aging of the vehicle fleet makes a rebound in automobile sales in the state

inevitable, and the forecast for 1984 and 1985 calls for an improvement in receipts along with the expected pick-up in consumer sales generally.

Gasohol Refunds: In the last several months, there has been a dramatic increase in the number of gasohol distributors and in gasohol sales statewide. This upswing reflects the increased use of alcohol to enhance the octane rating of gasoline. Alcohol used in this way is subject to refund under the state's motor fuel tax law equal to five cents per gallon. This revision reflects the increase in gasohol refunds expected as the practice of mixing gasoline and alcohol becomes more prevalent.

CHANGES IN THE REVENUE ESTIMATE
1982-83 and 1984-85
Funds 1-899
(Millions of Dollars)

	September 1982		January 1983		March 1983		April' 1983	
	<u>1982-83</u>	<u>1984-85</u>	<u>1982-83</u>	<u>1984-85</u>	<u>1982-83</u>	<u>1984-85</u>	<u>1982-83</u>	
Sales Tax	\$ 7,375.1	\$ 9,131.8	\$ 7,084.9	\$ 8,675.8	\$ 6,986.6	\$ 8,439.2	\$ 6,860.9	\$
Oil Taxes	2,517.2	2,493.0	2,474.7	2,403.8	2,474.7	2,084.9	2,451.3	
Natural Gas Taxes	2,288.5	3,037.9	2,156.5	2,580.7	2,141.9	2,534.2	2,141.9	
Motor Fuel Taxes	1,018.6	1,130.3	1,018.6	1,130.3	1,007.0	1,105.5	1,007.0	
Cigarette and Tobacco Taxes	701.4	740.0	701.4	740.0	709.6	758.1	709.6	
Motor Vehicle Sales and Rental Taxes	1,222.0	1,475.4	1,206.2	1,429.4	1,186.2	1,386.6	1,169.2	
Franchise Tax	1,001.4	1,241.2	1,001.4	1,240.8	1,001.9	1,245.5	1,001.9	
Alcoholic Beverage Taxes	558.8	657.9	560.1	685.8	557.7	679.7	557.7	
Insurance Tax	418.2	507.1	408.5	451.3	408.5	451.3	408.5	
Inheritance Tax	180.2	156.2	194.9	197.1	200.2	208.6	200.2	
Hotel-Motel Tax	90.0	107.8	87.0	109.6	87.0	109.6	87.0	
Utility Tax	398.4	489.1	398.8	509.8	404.8	523.4	404.8	
Telephone Tax	168.9	206.1	168.9	208.2	168.9	208.2	168.9	
Fees	939.6	1,014.0	945.1	985.4	947.2	1,039.5	947.2	
Interest-Dividends	1,745.9	2,050.6	1,795.8	2,115.2	1,764.9	2,046.3	1,764.9	
Federal Receipts	4,883.8	5,347.1	5,336.9	6,378.9	5,336.9	6,378.9	5,336.9	
Land Income	1,463.6	1,601.4	1,463.5	1,630.5	1,463.5	1,630.5	1,463.9	
All Other	1,003.4	1,016.5	810.2	898.2	802.9	802.9	802.9	
TOTAL	\$27,975.0	\$32,403.4	\$27,813.4	\$32,370.8	\$27,650.4	\$31,664.6	\$27,484.3	\$31,664.6
Growth from Previous Biennium	+ 19.1%	+ 15.8%	+ 18.4%	+ 16.4%	+ 17.7%	+ 14.5%	+ 17.0%	+ 17.0%
General Fund "Surplus"		\$ 1,332.6		\$ 956.6		\$ 803.7		\$
"New Money" Available		\$ 5,118.6		\$ 4,142.6		\$ 3,275.5		\$

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given by Senator Howard yesterday.

Senator McFarland, Vice-Chairman, Subcommittee on Nominations, moved confirmation of the nominees reported yesterday by the Subcommittee on Nominations.

The President asked if there were requests to sever nominees.

Senator Parmer requested that Cornelia Friedman, to be a Member of Texas Sesquicentennial Museum Board, be severed.

Senator Blake requested that Lee Roger Ratliff, to be Judge, 88th Judicial District, be severed.

The requests were granted.

On motion of Senator Brooks and by unanimous consent, the nomination of Judge Charles L. Price, Harris County, to be Judge of the 215th Judicial District, was added to those nominees to be considered today.

NOMINEES CONFIRMED

The following nominees, not severed and as reported by the Subcommittee on Nominations, (including Judge Charles L. Price), were confirmed by the following vote: Yeas 28, Nays 0.

Absent-excused: Howard, Parker, Washington.

Presiding Judge, First Administrative Judicial District: JUDGE JOHN DAVID OVARD, Dallas County.

Member, Family Practice Residency Advisory Committee: DR. EXALTON DELCO, Travis County.

Members, Board of Trustees, Teacher Retirement System of Texas: DON HOUSEMAN, Dallas County; FRANK MONROE, Dallas County; C. A. ROBERSON, Tarrant County; DR. LEE R. WILLIAMSON, Wichita County.

Member, State Securities Board: ROBERT K. UTLEY III, Bell County.

Members, Board of Regents, The University of Texas System: ROBERT B. BALDWIN III, Travis County; MARIO YZAGUIRRE, Cameron County; JESS THOMAS HAY, Dallas County.

Member, Board of Regents, East Texas State University: JAMES L. TOLER, Dallas County.

Members, Radiation Advisory Board: ROBERT C. DUNLAP, JR., Dallas County; MRS. LAURA KEEVER, Harris County.

Member, Texas Real Estate Commission: GENE STIMMEL, Tarrant County.

Members, Texas Sesquicentennial Museum Board: HENRY C. BECK, Dallas County; ANN COX, Dallas County; WILLIAM S. FARISH III, Harris County; GEORGE HARRIS, Bexar County; J. WILLIS JOHNSON, Tom Green County; HELMUTH J. NAUMER, Bexar County; WILHELMINA ROBERTSON, Harris County; ROBERT SAKOWITZ, Harris County.

Members, Texas Surplus Property Agency: GARLAND P. FERGUSON, Upshur County; BENNETT LLOYD GILL HARBER, D.D.S., Kendall County; ROBERT A. LANSFORD, Travis County.

Members, Texas Turnpike Authority: J. FRANK HOLT, Dallas County; JOHN P. THOMPSON, Dallas County.

Member, Board of Directors, Upper Colorado River Authority: EVERETT GRINDSTAFF, JR., Runnels County.

Members, Teachers' Professional Practices Commission: DR. CHARLES W. BENSON, El Paso County; MRS. ESTHER GONZALEZ BUCKLEY, Webb County; DR. BETTY BUFORD, Bell County; JERRY CADDEL, Lubbock County; WILLIAM E. CROCKETT, Fort Bend County; MRS. LINDA BOHLS ELLIS, Val Verde County; MRS. CAROLYN HARRELL, Gonzales County; DR. WILLIAM L. MCKINNEY, Galveston County; MRS. FARRIS W. SHARP, Dallas County; MRS. REBA SOMMERVILLE, Tarrant County; MRS. BETTY STARLING, Hays County; DOLORES VALADEZ, Hidalgo County.

Members, Upper Guadalupe River Authority: L. F. EARLAN KOEHLER, Kerr County; RAYMOND MOSTY, Kerr County; CHARLES SCHREINER IV, Kerr County.

Members, State Board of Vocational Nurse Examiners: RAFAEL ACOSTA, Harris County; MRS. E. KATHLEEN FRANKLIN, Jefferson County; MRS. DOROTHY S. HARRIS, Victoria County; MRS. LOLA MARIE MILLS, Tom Green County; MRS. BOBBIE JO HANEY, Tarrant County.

Members, Governor's Commission on Physical Fitness: TED L. EDWARDS, JR., M.D., Travis County; ROLLIN A. SININGER, Ph.D., Denton County; JAMES HOWARD SUNDBERG, Tarrant County.

Member, Board of Regents, West Texas State University: T. BOONE PICKENS, JR., Potter County.

Member, Board of Regents, East Texas State University: LEON JACKSON COKER, JR., Bowie County.

NOMINEES CONSIDERED

Question on the confirmation of Cornelia Friedman, to be a Member of the Texas Sesquicentennial Museum Board, the Senate refused to confirm Ms. Friedman by the following vote: Yeas 0, Nays 28.

Absent-excused: Howard, Parker, Washington.

Question on the confirmation of Lee Roger Ratliff, to be Judge of the 88th Judicial District, the Senate refused to confirm Mr. Ratliff by the following vote: Yeas 0, Nays 28.

Absent-excused: Howard, Parker, Washington.

SENATE BILL 358 ON SECOND READING

Senator Sarpalius moved to suspend the regular order of business to take up for consideration at this time:

S.B. 358, Relating to the issuance of certificates of indebtedness by general-law cities and towns to fund certain court judgments.

The motion prevailed by the following vote: Yeas 16, Nays 7.

Yeas: Brooks, Edwards, Glasgow, Harris, Henderson, Jones, Kothmann, Leedom, Lyon, Montford, Santiesteban, Sarpalius, Sims, Traeger, Truan, Williams.

Nays: Blake, Brown, Doggett, Mauzy, Parmer, Uribe, Vale.

Absent: Caperton, Farabee, McFarland, Sharp, Whitmire.

Absent-excused: Howard, Parker, Washington.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Mauzy, Vale, Parmer, Blake and Doggett asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

MOTION TO PLACE SENATE BILL 358 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 358 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 17, Nays 8. (Not receiving four-fifths vote of the Members present)

Yeas: Brooks, Edwards, Glasgow, Harris, Henderson, Jones, Kothmann, Leedom, Lyon, Montford, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Williams.

Nays: Blake, Brown, Doggett, Mauzy, Parmer, Uribe, Vale, Whitmire.

Absent: Caperton, Farabee, McFarland.

Absent-excused: Howard, Parker, Washington.

COMMITTEE SUBSTITUTE SENATE BILL 59 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 59, Relating to registration by manufacturers of food and distributors of drugs and to powers and duties of the Texas Department of Health and its commissioner; creating offenses and providing penalties; amending the Texas Food, Drug and Cosmetic Act (Article 4476-5, Vernon's Texas Civil Statutes) by amending Sections 16 and 23, and Subsection (n), Section 2 and by adding Section 23a; repealing Article 4469, Revised Statutes.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Glasgow asked to be recorded as voting "Nay" on the passage to the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 59 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 59 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Yeas: Blake, Brooks, Brown, Doggett, Edwards, Harris, Henderson, Jones, Kothmann, Leedom, Lyon, Mauzy, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Glasgow.

Absent: Caperton, Farabee, McFarland.

Absent-excused: Howard, Parker, Washington.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Glasgow asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 465 ON SECOND READING

Senator Jones asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 465, Relating to notaries public.

There was objection.

Senator Jones then moved to suspend the regular order of business and take up **S.B. 465** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 4.

Yeas: Blake, Brooks, Brown, Edwards, Glasgow, Harris, Henderson, Jones, Kothmann, Leedom, Montford, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Doggett, Lyon, Mauzy, Santiesteban.

Absent: Caperton, Farabee, McFarland, Vale.

Absent-excused: Howard, Parker, Washington.

The bill was read second time.

Senator Jones offered the following committee amendment to the bill:

Amend **S.B. 465** by striking Section 3 in its entirety and substituting the following:

SECTION 3. Sections 6(a) and (d), Article 5949, Revised Statutes, are amended to read as follows:

(a) Any qualified Notary Public whose term is expiring may make an application for appointment in the same manner as provided in Subsection (a) of Section 3 of this Article. The examination requirement of Section 2 of this Article does not apply to applications for reappointment. The Notary Public may not make an application before the one hundred and twentieth (120th) day preceding the expiration of his term. ~~[The Secretary of State shall notify all Notaries Public whose terms are expiring at least ninety (90) days prior to expiration.]~~

(d) If a Notary Public removes his residence from this state, his office is automatically vacated. ~~[If a Notary Public who qualified before January 1, 1980, removes his residence or his principal place of business or employment to another county in this state, so that he maintains neither his residence nor his principal place of business or employment in the county in which he was appointed his office is automatically vacated, and if he desires to continue to act as a Notary Public, he must surrender his commission to the Secretary of State and make application for appointment in the same manner as for an initial appointment.]~~

The committee amendment was read and was adopted.

Senator Jones offered the following committee amendment to the bill:

Amend S.B. 465 by adding a new Section 7 to read as follows and renumbering all subsequent sections:

SECTION 7. Article 5959, Revised Statutes, is repealed.

The committee amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Mauzy, Doggett and Santiesteban asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 465 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 465 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 19, Nays 4.

Yeas: Blake, Brown, Edwards, Glasgow, Harris, Henderson, Jones, Kothmann, Leedom, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Vale, Williams.

Nays: Doggett, Lyon, Mauzy, Truan.

Absent: Brooks, Caperton, Farabee, McFarland, Whitmire.

Absent-excused: Howard, Parker, Washington.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Mauzy, Doggett and Lyon asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
April 7, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

C.S.S.B. 27, Relating to the procedure for receiving public commentary on books offered for textbook adoption by the State Board of Education. (With amendments)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 586 ON SECOND READING

Senator Williams asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 586, Relating to increasing the membership of the Parks and Wildlife Commission.

There was objection.

(Senator Traeger in Chair)

Senator Williams then moved to suspend the regular order of business and take up **S.B. 586** for consideration at this time.

The motion prevailed by the following vote: Yeas 17, Nays 8.

Yeas: Brooks, Brown, Doggett, Edwards, Kothmann, Lyon, Mauzy, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Vale, Williams.

Nays: Blake, Glasgow, Harris, Henderson, Jones, Leedom, Sims, Whitmire.

Absent: Caperton, Farabee, McFarland.

Absent-excused: Howard, Parker, Washington.

The bill was read second time and was passed to engrossment by the following vote: Yeas 16, Nays 9.

Yeas: Brooks, Doggett, Edwards, Kothmann, Lyon, Mauzy, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Vale, Williams.

Nays: Blake, Brown, Glasgow, Harris, Henderson, Jones, Leedom, Sims, Whitmire.

Absent: Caperton, Farabee, McFarland.

Absent-excused: Howard, Parker, Washington.

COMMITTEE SUBSTITUTE SENATE BILL 817 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 817, Relating to an appropriation to the Texas State Board of Physical Therapy Examiners for necessary operating expenses.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 817 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 817** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent: Caperton, Farabee, McFarland.

Absent-excused: Howard, Parker, Washington.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1050 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1050, Relating to an appropriation to the Texas State Board of Examiners of Psychologists for certain operating expenses.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1050 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1050** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent: Caperton, Farabee, McFarland.

Absent-excused: Howard, Parker, Washington.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0. (Same as previous roll call)

SENATE BILL 596 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 596, Relating to the definition of banking house.

The bill was read second time and was passed to engrossment.

SENATE BILL 596 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 596** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent: Caperton, Farabee, McFarland.

Absent-excused: Howard, Parker, Washington.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0. (Same as previous roll call)

(Senator Brooks in Chair)

SENATE BILL 501 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 501, Relating to an appropriation to the Texas Optometry Board to pay the per diem and travel expenses of board members and staff.

The bill was read second time and was passed to engrossment.

SENATE BILL 501 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 501** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent: Caperton, Farabee, McFarland.

Absent-excused: Howard, Parker, Washington.

The bill was read third time was passed by the following vote: Yeas 27, Nays 0.

Absent: Caperton.

Absent-excused: Howard, Parker, Washington.

COMMITTEE SUBSTITUTE SENATE BILL 882 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 882, Relating to the appointment, qualifications, use, compensation, and authority of masters in civil cases.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 882 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 882** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Caperton.

Absent-excused: Howard, Parker, Washington.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 22 ON
SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.J.R. 22, Proposing a constitutional amendment relating to the manner in which a vacancy in the office of lieutenant governor is to be filled.

The resolution was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

**COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 22 ON
THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.J.R. 22 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Yeas: Blake, Brooks, Brown, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Mauzy.

Absent: Caperton.

Absent-excused: Howard, Parker, Washington.

The resolution was read third time and was passed by the following vote: Yeas 26, Nays 1. (Same as previous roll call)

SENATE RULE 74a SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 74a was suspended as it relates to House amendments to S.B. 27.

SENATE BILL 27 WITH HOUSE AMENDMENTS

Senator Farabee called S.B. 27 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Substitute the following for S.B. 27

**A BILL TO BE ENTITLED
AN ACT**

relating to public school textbooks.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.03, Texas Education Code, is amended to read as follows:

Sec. 12.03. Special TEXTBOOKS [~~FOR THE BLIND AND VISUALLY HANDICAPPED~~]. (a) The State Board of Education is authorized to acquire, purchase, and contract for, with or without bids, [~~subject to rules and regulations adopted by the board,~~] free textbooks [~~recommended as suitable and usable as textbooks~~] for the education of [the] blind and visually handicapped [~~scholastics in the~~] public school students [~~systems of this state in grades one to twelve inclusive~~]. The textbooks shall be acquired, purchased, or contracted for as provided by Subchapter B of this chapter and by any applicable rule adopted by the State Board of Education. The board may also enter into agreements providing for the acceptance, requisition, and distribution of books and instructional aids pursuant to Public Law 922, 84th Congress, or as amended, for use by students enrolled in public or private non-profit schools. The agreements may include the purchase of textbooks for blind and visually handicapped students attending private, non-profit schools if no state funds except for administrative cost are involved.

(b) For purposes of this section, a blind and/or visually handicapped scholastic means and includes any pupil whose visual acuity is impaired to the

extent that he is unable to read the print in regularly adopted textbooks used in the subject class.

(c) For purposes of this section, "textbook" means and includes books in Braille, large type or any other medium or any apparatus which conveys information to the scholastic or otherwise contributes to the learning process.

(d) The State Board of Education shall solicit bids for and shall purchase or otherwise acquire textbooks and supporting media to be used free of charge by students in bilingual education classes in public schools. The textbooks shall be acquired as provided by Subchapter B of this chapter and by any applicable rule adopted by the State Board of Education. ~~[All textbooks for the blind and visually handicapped available and submitted on invitation shall be examined by the State Textbook Committee for its recommendation as to their suitability and usability as textbooks for the blind and visually handicapped in the public school systems.~~

~~[(e) Textbooks for the blind and visually handicapped and teacher copies requisitioned and purchased by the board pursuant to contract signed by the chairman thereof and the costs of administration thereof shall be paid out of the textbook fund of this state as are textbooks for pupils of normal vision.~~

~~[(f) Textbooks for the blind and visually handicapped may be obtained and distributed by the Central Education Agency pursuant to rules and regulations adopted by the State Board of Education as it may act on recommendations of the State Textbook Committee and commissioner of education.~~

~~[(g) All textbooks acquired by the provisions of this section shall be the property of the State of Texas, to be controlled, distributed, and disposed of pursuant to board regulations.]~~

SECTION 2. Section 12.11(a), Texas Education Code, is amended to read as follows:

(a) The commissioner of education, annually at a meeting of the State Board of Education held on a date specified by the board ~~[or before the second Saturday in May]~~, shall recommend one person from each congressional district in this state ~~[the names of 15 persons, no two of whom shall live in the same congressional district,]~~ for appointment to the textbook committee for a one-year term.

SECTION 3. Section 12.11(d), Texas Education Code, is amended to read as follows:

(d) The State Board of Education shall approve or reject the nominations: and if any name is rejected, the commissioner of education shall nominate others until one person has ~~[15 persons have]~~ been selected from each; ~~[no two of whom shall live in the same]~~ congressional district in this state, who shall be named by the State Board of Education to membership on the textbook committee.

SECTION 4. Section 12.11(f), Texas Education Code, is amended to read as follows:

(f) The textbook committee shall hold its meetings where and when the State Board of Education shall determine; its members shall receive an honorarium and ~~[no salary but]~~ shall be reimbursed for [all] expenses as provided by rules adopted by the State Board of Education ~~[incurred in attending meetings and/or appeals involving the committee].~~

SECTION 5. Section 12.14, Texas Education Code, is amended to read as follows:

Sec. 12.14. ~~MULTIPLE LIST~~~~[FOR ELEMENTARY GRADES]~~. (a) ~~[As used in this section:~~

~~[(1) "Textbooks" shall be consistent with the definition in legal use prior to the adoption of this section.~~

~~[(2) "Learning systems" means a coordinated system of instructional materials, in one or more media, that conveys to the pupil information on a subject comparable to that contained in the approved textbooks.~~

~~[(3) "Supplementary materials" means instructional materials, in any medium, that are used as an adjunct to a specific adopted textbook.~~

~~[(b)] The State Board of Education shall select and adopt a multiple list of textbooks for use in the elementary grades, including kindergarten, and the secondary grades of the public schools of Texas.~~

~~(b) [(c)] The multiple list shall consist of not less than two [three] nor more than five textbooks for each subject matter or course designated by the board to implement Section 21.101 of this code [on the following subjects: spelling, reading (basal and supplementary), English language and grammar, geography, arithmetic, physiology-hygiene, civil government, driver education and safety, vocal music, elementary science, history of the United States (in which the Confederacy shall be fairly represented), history of Texas, agriculture, a system of writing books, and a system of drawing books].~~

~~[(d)] The board may also select and adopt textbooks for any additional subjects approved by the State Department of Education for teaching in the elementary schools, including but not limited to the foreign languages of German, Bohemian, Spanish, French, Latin, or Greek.~~

~~[(e)] The board may, if deemed necessary, adopt as textbooks a geography of Texas and a civil government of Texas.~~

~~[(f)] The board may select and adopt supplementary materials to be used in conjunction with approved textbooks.~~

~~[(g)] The board may select and adopt a multiple list of not less than two nor more than three learning systems in those subject areas it deems appropriate.]~~

~~(c) [(h)] No book adopted shall contain anything of a partisan or sectarian character.~~

SECTION 6. Section 12.16(a), Texas Education Code, is amended to read as follows:

(a) In the event as many as two [three] suitable textbooks are not offered for adoption on any one subject matter or course, the board may select one textbook [fewer than three textbooks].

SECTION 7. Section 12.16(c), Texas Education Code, is amended to read as follows:

(c) Textbooks adopted in accordance with the provisions of this section are adoptions for every public school in this state ~~[and no public school in the state shall use any textbook unless it has previously been approved and adopted by the State Board of Education]~~. The board shall prescribe rules under which such textbooks adopted and approved shall be introduced or used by or in the public schools of the state.

SECTION 8. Section 12.17(a), Texas Education Code, is amended to read as follows:

(a) When textbooks are to be selected and adopted under the provisions of this code, or where a contract for a textbook then in use is about to expire, not less than two months in advance of the meeting of the State Board of Education at which the adoptions may be made, the chairman of the State Board of Education shall give public notice—

(1) by having printed in the public press a notice to the effect that the meeting will be held and that adoptions will be made; and

(2) by sending written notices to all persons, firms, or corporations in whose behalf the notices shall have been requested.

SECTION 9. Section 12.20, Texas Education Code, is amended to read as follows:

Sec. 12.20. AFFIDAVIT OF ELIGIBILITY AND ANTITRUST COMPLIANCE ~~[AGENCY]~~. (a) Each person, firm, or corporation submitting a bid on any book or books for adoption shall file with the commissioner of education on the day that the State Board of Education meets or within the last five days just preceding the date on which the board meets, an affidavit executed by the individual bidder or a member of the firm or the president and secretary of the corporation bidding, setting forth all of the facts with reference to the eligibility of the bidder to make a proposal and to compliance by the bidder with antitrust regulations under Section 12.22 of this code.

(b) In relation to a bidder's eligibility, an ~~[Each]~~ affidavit filed must contain the following:

(1) the names of all persons employed to act for the bidder, directly or indirectly, in any way whatsoever in securing the contract or in the preparation of the bid or bids and supporting documents, together with the addresses of such individuals and the capacity in which each served;

(2) the names of any persons who may have at any time during the preceding year received, either directly or indirectly, any money or other thing of value from the bidder by way of emolument for services rendered in this state, either directly or indirectly, in securing or attempting to secure contracts for the sale of books of the publisher or in promoting the sale of such books to the State of Texas; and

(3) a statement that no member of the State Board of Education or of the State Textbook Committee is in any way interested, directly or indirectly, in the individual, firm, or corporation bidding; ~~and~~

~~[(4) a statement that the antitrust affidavits and other materials required by Section 12.22 of this code have been filed].~~

(c) In relation to a bidder's compliance with antitrust regulations, an affidavit must contain the following:

(1) a statement that the person, firm, or corporation bidding is not a trust and is not connected either directly or indirectly with a trust;

(2) a provision stating whether or not the person, firm, or corporation, or any member of the firm or stockholder of the corporation is acting as a director, trustee, or controlling stockholder in any other textbook publishing house, either directly or indirectly or through a third party; and

(3) if the bidder is a firm, a statement showing the names of all members of the firm and stating whether any other person, firm, or corporation has any financial interest in the firm and whether any member of the firm has any financial interest in any other textbook publishing house.

(d) ~~[(c)]~~ In the event any publisher, after filing the affidavit, shall employ an attorney or other representative to assist in securing the award of a contract by the State Board of Education, ~~[he shall disclose]~~ such employment shall be disclosed to the board by filing a supplementary affidavit before any contract ~~[in which he]~~ is ~~[interested shall be]~~ awarded to the publisher.

(e) ~~[(d)]~~ A publisher who cannot or does not comply with the provisions of this section shall not be eligible to bid.

SECTION 10. Section 12.24(a), Texas Education Code, is amended to read as follows:

(a) The State Board of Education shall adopt rules to provide for ~~[make]~~ a full and complete investigation of all books and accompanying bids and for an opportunity for members of the public to comment in regard to textbook content or in support of or against any textbook presented. The textbooks shall be selected and adopted after a careful examination and consideration of all books presented.

SECTION 11. Section 12.24(d), Texas Education Code, is amended to read as follows:

(d) The State Board of Education shall proceed ~~[without delay]~~ to adopt for use in the public schools of this state textbooks on all branches authorized by this chapter~~[- but if the bids submitted are not satisfactory, the board may postpone the selection of the books or a part of them to such time as the board may select, and after readvertising, new bids may be received and acted on by the board in the same manner as original bids].~~

SECTION 12. Section 12.34(k), Texas Education Code, is amended to read as follows:

(k) To insure that current material is always available to the schoolchildren of Texas and to enable the development of material in an orderly and efficient manner, the State Board of Education shall develop and implement a balanced adoption cycle for proclamation of needs for textbooks and other instructional materials. At a minimum, the adoption cycle shall:

(1) extend over a period of years determined by the State Board of Education to be the most beneficial and desirable time span to meet the textbook needs of Texas public schools;

(2) be planned on the basis of a cost to the state of not less than \$15 per scholastic population for the first year of the cycle and adjusted thereafter to account for increasing costs due to inflation of the economy;

(3) be so arranged that the total cost of new adoptions shall be approximately equal for each year of the proposed cycle, except as adjusted for increasing costs and a growing scholastic population;

(4) be all-inclusive of all subjects required by statute or ~~[approved]~~ by the State Board of Education to be used in the public school system of Texas during the period of time encompassed by the cycle;

(5) be developed in such a manner that it will operate on a continuing basis so that providers of textbooks and other instructional materials shall be kept advised in advance of the subjects to be called for adoption each year; and

(6) provide that except under emergency conditions deemed necessary by the State Board of Education, all changes or amendments in the cycle shall be made in such manner and at such time as to give notice of the change to the providers of textbooks and other instructional materials as far in advance as possible.

SECTION 13. Section 2.08, Texas Education Code, is transferred to Subchapter B, Chapter 12, Texas Education Code, and is renumbered to read as follows:

Sec. 12.36 ~~[2.08]~~. **FORFEITURE OF POSITION.** During the term of his employment, a trustee or teacher in any public school or institution of higher learning in Texas, county or city superintendent, university president, or college president shall not act as agent or attorney for any textbook publishing company selling textbooks in Texas. Acceptance of the agency or attorneyship shall by operation of law forfeit his position with the public schools.

SECTION 14. Section 12.62(c), Texas Education Code, is amended to read as follows:

(c) Once textbooks are selected from the multiple lists, they shall be continued in use in that school system for the entire period of the adoption ~~[or for a minimum period of not less than five years]~~.

SECTION 15. The following sections of the Texas Education Code are repealed:

(1) Section 12.04, as added by Chapter 377, Acts of the 62nd Legislature, Regular Session, 1971;

(2) Section 12.04, as added by Chapter 392, Acts of the 63rd Legislature, Regular Session, 1973;

- (3) Section 12.15;
- (4) Section 12.16(d);
- (5) Section 12.22(b);
- (6) Section 12.23(d); and
- (7) Sections 12.62(a) and (f).

SECTION 16. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 1 - Robnett

Amend C.S.S.B. 27 on page 9 by adding the following sentence after the word "presented.":

"In all substantive and procedural matters relating to the textbook adoption process, all persons submitting written and/or oral commentary shall receive equal treatment."

Amendment No. 2 - Jackson

Amend C.S.S.B. 27 by deleting the words "an honorarium" on page 3, line 27 and adding the words "compensatory per diem" in that place.

The amendments were read.

Senator Farabee moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Caperton.

Absent-excused: Howard, Parker, Washington.

SENATE BILL 638 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 638, Relating to the application of sales, rental, and use taxes on certain vehicles and machinery used for farm purposes and to the definition of motor vehicle in relation to motor vehicle sales, rental, and use taxes.

The bill was read second time and was passed to engrossment.

SENATE BILL 638 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 638** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Howard, Parker, Washington.

The bill was read third time and was passed.

SENATE BILL 447 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 447, Amending the Texas Unemployment Compensation Act, as amended (Articles 5221b-1, Vernon's Texas Civil Statutes), to conform to the provisions of Public Law 97-248, as follows: amending Subsection (f) of Section 3, providing for benefits; providing for the repeal of all laws and parts of laws in conflict herewith and for preserving rights accrued thereunder; providing for the severability of provisions; and declaring an emergency.

The bill was read second time.

Senator Caperton offered the following amendment to the bill:

Amend **S.B. 447** by Caperton by amending SECTION 1, Subsection (f) (2) **(B)** to read as follows:

"(B) if benefits are denied to any individual for any week under subsection (A) above and such individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of the benefits for each week for which benefits were denied solely by reason of subsection (A)."

The amendment was read and was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 447 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 447** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Howard, Parker, Washington.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

MESSAGE FROM THE HOUSE

House Chamber
April 7, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 10, Relating to authorization of counties to establish alternative systems for resolving citizen disputes. (With amendment)

S.B. 98, Relating to the composition, powers, and duties of the Texas Board of Health, the Commissioner of Health, and the Texas Department of Health. (With amendments)

S.B. 236, Relating to the Texas 1986 Sesquicentennial Commission.

S.B. 249, Relating to the Matagorda Island State Park and Wildlife Management Area.

S.B. 251, Relating to the appointment, powers, and duties of law enforcement officers commissioned by the director of the Parks and Wildlife Department, and to rewards made from the operation game thief fund.

S.B. 351, Relating to payment of premium requirements of certain group life insurance policies.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE SENATE BILL 766 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 766, Relating to parking privileges for the disabled.

The bill was read second time.

Senator Doggett offered the following amendment to the bill:

Amend **C.S.S.B. 766** by striking on page 2, lines 20 and 29, the word “temporarily”.

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 766 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 766** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Howard, Parker, Washington.

The bill was read third time and was passed.

SENATE BILL 86 ON SECOND READING

Senator Henderson asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 86, Relating to vehicles hauling loose materials on highways; providing penalties.

There was objection.

Senator Henderson then moved to suspend the regular order of business and take up **S.B. 86** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Glasgow.

Absent-excused: Howard, Parker, Washington.

The bill was read second time and was passed to engrossment.

SENATE BILL 86 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 86** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Glasgow.

Absent-excused: Howard, Parker, Washington.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Glasgow asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 558 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 558, Relating to the acquisition, administration, and sale of materials and equipment by a soil and water conservation district.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 558 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 558** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Mauzy.

Absent-excused: Howard, Parker, Washington.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1. (Same as previous roll call)

MEMORIAL RESOLUTIONS

S.R. 431 - By Doggett: Memorial resolution for Mrs. Bennee Cordette Scales Garrett.

S.R. 432 - By Doggett: Memorial resolution for Dr. A. A. Grusendorf.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 143 - (Sims): Recognizing the City of Pecos as the "Home of the World's First Rodeo".

S.R. 423 - By Sharp: Recognizing Thursday, April 7, 1983, as Nazareth Academy Day.

S.R. 424 - By McFarland: Extending welcome to Reverend and Mrs. David Kirkpatrick.

S.R. 425 - By Kothmann: Extending congratulations to the Roosevelt High School basketball team.

S.R. 426 - By Caperton: Extending congratulations to the Bryan Vikings.

S.R. 427 - By Caperton: Extending congratulations to the Snook Bluejays.

S.R. 428 - By Harris: Extending welcome to students from the Edwin L. Cox School of Business, Southern Methodist University.

S.R. 429 - By Doggett: Recognizing the week of April 11-15, 1983, as Exceptional Children's Week.

S.R. 430 - By Doggett: Commending Mrs. Eva Marie Mosby.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 12:19 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, April 11, 1983.

APPENDIX

Sent to Comptroller
(April 7, 1983)

S.B. 121

Sent to Governor
(April 7, 1983)

S.B. 185

S.B. 220

FORTY-EIGHTH DAY (Monday, April 11, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Absent-excused: Lyon, Washington.

A quorum was announced present.

Senator Parmer's father, the Reverend Quay Parmer, Retired Minister, United Methodist Church, Arlington, offered the invocation as follows:

Dear God and Father of us all, before whom all hearts are open and from whom no desires are hid, may these moments spent in this chamber be not an exercise in the futility of the conventional or that which is simply customary. Indeed Lord, let this moment make us aware of Thy majesty and glory, the source of all law and power. May we realize anew that Kings, Presidents, Governors and Senators alike are accountable unto Thee.